



**RULE 63 (37 CFR § 1.63)
DECLARATION
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "REGULATION OF $\gamma\delta$ T CELLS TO REGULATE AIRWAY HYPERRESPONSIVENESS", the specification of which has been prepared and filed on September 28, 2000, receiving Serial No. 09/672,865, and further identified as Attorney File No. 2879-68.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim priority benefits under 35 U.S.C. 119(e) of any provisional application(s) for patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/157,231	September 30, 1999	Abandoned

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor's Signature

Date 4.18.01

Inventor's Name:

Erwin Gelfand

Citizenship:

Canada

Residence:

4275 S. Bellaire Circle

Englewood, Colorado 80110

Post Office Address:

Same as Residence

(2) Inventor's Signature

Date 4/18/01

Inventor's Name:

Willi K. Born

Citizenship:

Germany

Residence:

736 Elm Street

Denver, Colorado 80220

Post Office Address:

Same as Residence

(3) Inventor's Signature

Date _____

Inventor's Name:

Michael F. Lahn

Citizenship:

Germany

Residence:

460 Josephine Street

Denver, Colorado 80206

Post Office Address:

Same as Residence

(4) Inventor's Signature

Date _____

Inventor's Name:

Arihiko Kanehiro

Citizenship:

Japan

Residence:

15-28-402 Yumino-cho

Okayama, Japan 700-0817

Post Office Address:

Same as Residence

(1) Inventor's Signature _____ Date _____

Inventor's Name: Erwin Gelfand
Citizenship: Canada
Residence: 4275 S. Bellaire Circle
Englewood, Colorado 80110
Post Office Address: Same as Residence

(2) Inventor's Signature _____ Date _____

Inventor's Name: Willi K. Born
Citizenship: Germany
Residence: 736 Elm Street
Denver, Colorado 80220
Post Office Address: Same as Residence

(3) Inventor's Signature   Date 1/9/01

Inventor's Name: Michael F. Lahn
Citizenship: Germany
Residence: 460 Josephine Street
Denver, Colorado 80206
Post Office Address: Same as Residence

(4) Inventor's Signature _____ Date _____

Inventor's Name: Aribiko Kanehiro
Citizenship: Japan
Residence: 15-28-402 Yumino-cho
Okayama, Japan 700-0817
Post Office Address: Same as Residence

(1) Inventor's Signature _____ Date _____

Inventor's Name: Erwin Gelfand
Citizenship: Canada
Residence: 4275 S. Bellaire Circle
Englewood, Colorado 80110
Post Office Address: Same as Residence

(2) Inventor's Signature _____ Date _____

Inventor's Name: Willi K. Born
Citizenship: Germany
Residence: 736 Elm Street
Denver, Colorado 80220
Post Office Address: Same as Residence

(3) Inventor's Signature _____ Date _____

Inventor's Name: Michael F. Lahn
Citizenship: Germany
Residence: 460 Josephine Street
Denver, Colorado 80206
Post Office Address: Same as Residence

(4) Inventor's Signature Arihiko Kanchiro Date 4/18/01

Inventor's Name: Arihiko Kanchiro
Citizenship: Japan
Residence: 15-28-402 Yumino-cho
Okayama, Japan 700-0817
Post Office Address: Same as Residence

APR 17 01 (TUE) 18:00 NATL NEWISH



37 CFR §1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



POWER OF ATTORNEY

On behalf of National Jewish Medical and Research Center, a having a principal place of business at 1400 Jackson St., Denver, Colorado 80206 being the assignee of and owning all right, title and interest in the invention entitled "REGULATION OF $\gamma\delta$ T CELLS TO REGULATE AIRWAY HYPERRESPONSIVENESS," for which a provisional application for Letters Patent of the United States has been made by Erwin Gelfand, Willi K. Born, Michael F. Lahn, and Arihiko Kanehiro, said application having been filed on September 28, 2000, receiving Serial No. 09/672,865, and further identified as Attorney File No. 2879-68, I, James D. Crapo, M.D., EVP, Academic Affairs of National Jewish Medical and Research Center, hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Michael L. Tompkins, Registration No. 30,980; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Wannell M. Crook, Registration No. 31,071; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Richard L. Hughes, Registration No. 31,264; Tejpal S. Hansra, Registration No. 38,172; Dana L. Hartje, Registration No. 40,638; Angela Dallas-Pedretti, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Theresa A. Brown, Registration No. 32,547; Miriam R. Drickman, Registration No. 42,499; Dennis J. Dupray, Registration No. P-46,299, and Todd M. Petersen, Registration No. 45,580, of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for National Jewish Medical and Research Center with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

National Jewish Medical and Research Center certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above, a copy of which is attached. The undersigned has reviewed the assignment of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/13/00

By: 

Name: James D. Crapo, M.D.

Title: Executive VP for Academic Affairs

ASSIGNMENT

WHEREAS, we, Erwin Gelfand of 4275 S. Bellaire Circle, Englewood, Colorado 80110, Willi K. Born of 736 Elm Street, Denver, Colorado 80220, Michael F. Lahn of 460 Josephine Street, Denver, Colorado 80206, and Arikiko Kanehiro of 15-28-402 Yumino-cho, Okayama, Japan 700-0817 have invented a certain new and useful invention entitled "REGULATION OF $\gamma\delta$ T CELLS TO REGULATE AIRWAY HYPERRESPONSIVENESS," for which application for Letters Patent of the United States has been prepared and filed on September 28, 2000, receiving Serial No. 09/672,865, and further identified as Attorney File No. 2879-68;

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, National Jewish Medical and Research Center, having a place of business at 1400 Jackson St., Denver, Colorado 80206, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than National Jewish Medical and Research Center and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to National Jewish Medical and Research Center, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

Date: 4.18.01

By: _____

Erwin Gelfand

Date: 4/18/01

By: _____

Willi K. Born

Date: _____

By: _____

Michael F. Lahn

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

Before me, a Notary Public in and for said County and State, personally appeared Erwin Gelfand, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 18th day of April, 2000.

Cathleen J. Zeller
Notary Public
My commission expires: 03/14/05

STATE OF COLORADO)
) ss.
COUNTY OF Denver)

Before me, a Notary Public in and for said County and State, personally appeared Willi K. Born, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 18th day of April, 2000.

Cathleen J. Zeller
Notary Public
My commission expires: 03/14/05

STATE OF COLORADO)
) ss.
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Michael F. Lahn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this _____ day of _____, 2000.

Notary Public
My commission expires: _____

ASSIGNMENT

WHEREAS, we, Erwin Gelfand of 4275 S. Bellaire Circle, Englewood, Colorado 80110, Willi K. Born of 736 Elm Street, Denver, Colorado 80220, Michael F. Lahn of 460 Josephine Street, Denver, Colorado 80206, and Akihiko Kanehiro of 15-28-402 Yumino-cho, Okayama, Japan 700-0817 have invented a certain new and useful invention entitled "REGULATION OF $\gamma\delta$ T CELLS TO REGULATE AIRWAY HYPERRESPONSIVENESS," for which application for Letters Patent of the United States has been prepared and filed on September 28, 2000, receiving Serial No. 09/672,865, and further identified as Attorney File No. 2879-68;

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, National Jewish Medical and Research Center, having a place of business at 1400 Jackson St., Denver, Colorado 80206, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than National Jewish Medical and Research Center and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to National Jewish Medical and Research Center, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

Date: _____

By: _____
Erwin Gelfand

Date: 11/10/2001

By: _____
Willi K. Born

Date: 11/10/2001

By: Michael F. Lahn
Michael F. Lahn

STATE OF COLORADO)
) ss.
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Erwin Gelfand, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this _____ day of _____, 2000.

Notary Public
My commission expires: _____

STATE OF COLORADO)
) ss.
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Willi K. Born, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this _____ day of _____, 2000.

Notary Public
My commission expires: _____

INDIANA
STATE OF ~~COLORADO~~)
) ss.
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Michael F. Lahn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 10th day of January, 2001.

Laure L. Morgan
Notary Public
My commission expires: 8.28.08

Date: 4/18/01 By: Arihiko Kanehiro
Arihiko Kanehiro

WITNESS

Kinoko Ueda